

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ORDER

On May 18, 2007, the undersigned Magistrate Judge issued an Order (Doc. #82) directing Plaintiff to file the following documents with the Court **on or before May 23, 2007**:

1. A copy of the State Court's order and/or decision referenced in paragraph 1 of Plaintiff's Motion to dismiss (Doc. #22) regarding the home located at 207 Rosedon Drive, Montgomery, Alabama 36116.
2. A copy of the State Court's Order and/or decision discussed in Paragraph 59 of Plaintiff's Amended Complaint (Doc. #7).

As of today, one week after the submission deadline, Plaintiff has failed to submit the documents. In considering Plaintiff's Amended Complaint (Doc. #7), Responses to Defendants' Motions for Summary Judgment (Doc. #41, #43), and Motion to Dismiss Certain Claims (Doc. #22), the Court construes Plaintiff's voluntary withdraw of Count

Three, Breach of Contract, as Plaintiff's admission that he had no cognizable interest in the real property located at 207 Rosedon Drive, Montgomery, Alabama 36116.

Accordingly, it is

ORDERED that Plaintiff shall submit **on or before June 4, 2007**, evidence demonstrating that he had a cognizable interest in the property located at 207 Rosedon Drive, Montgomery, Alabama 36116. If Plaintiff fails to submit this evidence by June 4, 2007, the Court will assume **that Plaintiff had no cognizable interest** in that property for purposes of determining Defendants' motions for summary judgment (Doc. #34, #37).

DONE this 30th day of May, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE